



2652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

CROWDER et al.

Serial No.: 09/975,593

Filed: October 10, 2001

Atty. File No.: 3123-379

For: SUSPENSION SWAGE PLATE WITH
APPLIED SOLID FILM LUBRICANT
AND METHOD OF ASSEMBLING
THE SAME

Group Art Unit: 2652

Examiner: Watko, J.

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4-1803
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RESPONSE TO RESTRICTION

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, DC 20231 ON <u>4/10</u>, 2003.</p> <p style="text-align: right;">SHERIDAN ROSS P.G.</p> <p>BY: <u>Christine Jacquet</u></p>

Assistant Commissioner of Patents
Washington, D.C. 20231

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APR 16 2003

Technology Center 2600

Dear Sir:

In response to the Restriction Requirement in the Office Action dated March 19, 2003, Applicant hereby elects with traverse to pursue the invention of Group II, Claims 13-29 drawn to a method of assembling an actuator assembly. Applicant preserves its right to pursue appropriate divisional and/or continuation applications as required.

Applicant hereby traverses the Examiner's restriction. The Examiner indicated that the invention of Groups I and II were related as process of making and product made. The Examiner concluded that the process as claimed can be used to make other and materially different products, such as non-metal suspensions.

There are two criteria for determining whether a restriction is proper, namely, the inventions must be independent or distinct as claimed, and there must be a serious burden on the Examiner if restriction is required (MPEP §803). In support of the Examiner's contention that the inventions

were distinct, the Examiner stated that processes claimed can be used to make other end materially different products, such as non-metal suspensions. Applicant respectfully disagrees with the Examiner's logic. As discussed in the application, one object of the invention is to prevent damage of metallic parts when they are attached by providing a lubricant. Applicant is unaware of any type of actuator in a disk drive which utilizes a non-metal suspension. In fact, it is believed that if non-metal suspensions exist at all, there are none which have been used successfully in a disk drive. Each of the claims in Group II are limited to a disk drive, and not some other type of actuator or suspension used in another type of device. Therefore, the process as claimed is restricted to a disk drive and there simply are no other types of suspensions in disk drives which can be made by the claimed process that are separate or distinct from the ones described and claimed in the present invention.

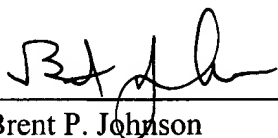
It is also disputed whether or not the process as claimed can be used to make other and materially different products such as non-metal suspensions, because such non-metal suspensions would presumably have no need for a lubricant. Formation of a non-metal suspension (if such a device exists) would be done by a process of molding the suspension into the desired shape. The process of swaging is specifically designed for metal parts where the ductile properties of certain metals allow the metals to be swaged for connection, and the lubricant prevents damage to the parts during swaging.

The Examiner has not also provided any reasons as to why there is a serious burden on the Examiner since both the claims of Groups I and II are restricted to use within a disk drive. Accordingly, this helps focus the efforts of the Examiner in terms of searching the two groups and applying the relevant art as required.

Therefore, the restriction requirement should be withdrawn and examination on the merits should proceed for all the claims.

Respectfully submitted,

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